

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim Amendments

Claim 45 is added. Support for this claim may be found in the specification, for example, on page 25, [00117].

Claim 34 is amended to correct a typographical error.

Claims 21-22 and 30-45 are currently pending.

Applicants submit that no new matter has been added by this amendment and hereby request its entry.

Election of Species

The Office has required Applicants to elect a single disclosed species for prosecution on the merits. Specifically, the Office has stated that Claim 21 and 41-44 are generic to the following disclosed patentably distinct species: the various ratios of ethylene vinyl alcohol copolymer and fumed silica present within the composition.

In response, Applicants elect, with traverse, the ratio of **about 1.09 to 1**. The reason for traversal is that a search of the entire claimed range can be done without an undue burden on the examiner. Specifically, MPEP § 803 states, in part, that “[I]f a search and examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits, even though it includes claims to independent or distinct inventions.” MPEP § 803.

Applicants submit that claims 21 and 30- 41 read on the elected species.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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